

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

|  |   |                  |
|--|---|------------------|
| In the Matter of                                   | ) |                  |
|  | ) |                  |
| Joint Petition of CTIA and RCA Regarding the       | ) | WT Docket 05-288 |
| December 31, 2005 Deadline for Licensees Employing | ) |                  |
| A Handset-Based E911 Phase II Location Technology  | ) |                  |
| To Achieve Ninety-Five Percent Penetration of      | ) |                  |
| Location-Capable Handsets Among Their Subscribers  | ) |                  |

**NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION  
INITIAL COMMENTS**

The National Telecommunications Cooperative Association (NTCA)<sup>1</sup> hereby responds to the Wireless Telecommunications Bureau's Public Notice seeking comment on the CTIA and Rural Cellular Association (RCA) joint petition regarding the Federal Communications Commission's (Commission or FCC) December 31, 2005 deadline for handset-based E911 Phase II 95% location capability.<sup>2</sup> The Commission should grant the CTIA/RCA Petition and ensure that Tier III wireless carriers are placed on the same footing as Tier I and Tier II carriers regarding the Commission's 95% location compatibility compliance deadline.

---

<sup>1</sup> NTCA is the premier industry association representing rural telecommunications providers. Established in 1954 by eight rural telephone companies, today NTCA represents 560 rural rate-of-return regulated incumbent local exchange carriers (ILECs). All of its members are full service local exchange carriers, and many members provide wireless, cable, Internet, satellite and long distance services to their communities. Each member is a "rural telephone company" as defined in the Communications Act of 1934, as amended (Act). NTCA members are dedicated to providing competitive modern telecommunications services and ensuring the economic future of their rural communities.

<sup>2</sup> Wireless Telecommunications Bureau Requests for Comment On Joint Petition of CTIA and RCA Regarding the December 31, 2005 Deadline for Licensees Employing A Handset-Based E911 Phase II Location Technology To Achieve Ninety-Five Percent Penetration of Location-Capable Handsets Among Their Subscribers, WT Docket No. 05-288, DA 05-2678, Public Notice (rel. October 7, 2005) (Public Notice).

## **I. INTRODUCTION**

On October 7, 2005, the Commission released its Public Notice for comment regarding the CTIA and RCA joint petition for extension or waiver requests of the Commission's December 31, 2005 E911 Phase II location compatibility deadline.<sup>3</sup> CTIA and RCA request that the Commission grant relief from the 2005 year-end deadline, either by waiving the deadline for wireless carriers who activate all digital handsets with location capability, or by creating a procedure to review carrier-specific waiver requests.<sup>4</sup> CTIA and RCA contend that the 95% compliance benchmark is not achievable by December 31, 2005, because:

- 1) Customers are not exchanging their analog-based handsets for GPS-enabled handsets which are necessary for E911 capability;
- 2) Some PSAPs are not yet Phase II compliant, so customers and carriers see no need to invest in the more expensive GPS-enabled handsets;
- 3) Customer churn is lower than anticipated; and
- 4) Customers do not want to upgrade to more complex handsets.<sup>5</sup>

## **II. THE COMMISSION SHOULD GRANT THE CTIA/RCA PETITION AND EXEMPT ALL WIRELESS CARRIERS WHO ACTIVATE ALL NEW DIGITAL HANDSETS WITH LOCATION CAPABILITY.**

The Commission should grant the relief that CTIA and RCA request and exempt wireless carriers who comply with the Commission's established requirements to distribute only location-capable handsets. In the alternative, the Commission should create a waiver framework for all wireless carriers who seek specific waivers of the 95% hand-set solution E911 Phase II location

---

<sup>3</sup> *Joint Petition for Suspension or Waiver of the Location-Capable Handset Penetration Deadline*, CC Docket No. 94-102 (assigned WT Docket No. 05-288), filed June 30, 2005 (CITA/RCA Petition).

<sup>4</sup> CTIA/RCA Petition, p. 1.

<sup>5</sup> CTIA/RCA Petition, pp. 2, 4.

capability deadline of December 31, 2005. As CTIA and RCA demonstrated in their petition, forcing consumers to exchange their outdated handsets for location-capable handsets is an industry-wide problem that is preventing many carriers, small and large, from achieving the Commission's 95% compliance benchmark on time.<sup>6</sup>

**III. ALTERNATIVELY, THE COMMISSION SHOULD ALLOW CARRIERS TO FILE SPECIFIC REQUESTS IF UNABLE TO MEET THE DECEMBER 31, 2005 95% HANDSET SOLUTION COMPLIANCE DEADLINE.**

If the Commission is not willing to waive the December 31 deadline for all carriers who activate only location-capable handsets, then the Commission should establish a waiver framework that retains the necessary flexibility to review waivers of E911 compliance on a carrier-specific basis. Furthermore, the Commission should ensure that the smallest carriers, the Tier III carriers, bear no greater burden in satisfying the waiver requests than the larger Tier I and Tier II carriers.

The Commission established E911 waiver standards earlier this year for Tier III wireless (CMRS) carriers after receiving numerous waiver requests.<sup>7</sup> Tier III carriers are those non-nationwide wireless carriers with fewer than 500,000 subscribers as of the end of 2001, Tier I carriers are the nationwide carriers with more than 500,000 subscribers (Verizon Wireless, Cingular Wireless, Sprint Nextel, and T-Mobile), and Tier II carriers are all other wireless carriers with more than 500,000 subscribers (such as AllTel).<sup>8</sup>

---

<sup>6</sup> CTIA/RCA Petition, pp. 4-7

<sup>7</sup> *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; E911 Phase II Compliance Deadlines for Tier III Carriers*, CC Docket 94-102, FCC 05-79, Order (rel. April 1, 2005) (*Tier III Order*).

<sup>8</sup> *Tier III Order*, fn. 12, p. 3.

The CITA and RCA outline a waiver request framework in their Petition that appears to apply to all wireless carriers.<sup>9</sup> The Commission should ensure that Tier III carriers, many of whom serve rural areas with low population densities, do not face more stringent waiver standards than do Tiers I and II carriers. The Commission should provide a framework for all those carriers who wish to file waiver requests.<sup>10</sup>

#### **IV. CONCLUSION**

For the reasons set forth, the Commission should grant the CTIA/RCA petition and waive the 95% December 31, 2005 handset location-capability for all wireless carriers who activate only location-capable handsets. If the Commission is not willing to waive the December 31 deadline for all carriers who activate only location-capable handsets, then the Commission should establish a waiver framework that retains the necessary flexibility to review waivers of

---

<sup>9</sup> CTIA/RCA Petition, pp. 11-14.

<sup>10</sup> *See, e.g.*, Wireless Telecommunications Bureau Requests Comment on Sprint Nextel Request for Limited Waiver of the December 31, 2005 Deadline to Achieve Ninety-five Percent Penetration of Location-Capable Handsets Among Its Subscribers, WT Docket No. 05-286, DA 05-2677 (rel. October 7, 2005); Wireless Telecommunications Bureau Requests Comment on Alltel Request for Limited Waiver of the December 31, 2005 Deadline to Achieve Ninety-five Percent Penetration of Location-Capable Handsets Among Its Subscribers, WT Docket No. 05-287, DA 05-2675 (rel. October 7, 2005).

E911 compliance on a carrier-specific basis. Furthermore, the Commission should ensure that the smallest carriers, the Tier III carriers, bear no greater burden in satisfying the waiver requests than the larger Tier I and Tier II carriers.

Respectfully submitted,

NATIONAL TELECOMMUNICATIONS  
COOPERATIVE ASSOCIATION

By: /s/ Daniel Mitchell  
Daniel Mitchell  
Karlen J. Reed

Its Attorneys

4121 Wilson Boulevard, 10<sup>th</sup> Floor  
Arlington, VA 22203  
(703) 351-2000

October 21, 2005

## CERTIFICATE OF SERVICE

I, Gail Malloy, certify that a copy of the foregoing Initial Comments of the National Telecommunications Cooperative Association in WT Docket No. 05-288, DA 05-2678 was served on this 21st day of October 2005 by electronic mail to the following persons.

/s/ Gail Malloy

Gail Malloy

Chairman Kevin J. Martin  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8-A201  
Washington, D.C. 20554  
[Kevin.Martin@fcc.gov](mailto:Kevin.Martin@fcc.gov)

Commissioner Kathleen Q. Abernathy  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8-B115  
Washington, D.C. 20554  
[Kathleen.Abernathy@fcc.gov](mailto:Kathleen.Abernathy@fcc.gov)

Commissioner Michael J. Copps  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8-A302  
Washington, D.C. 20554  
[Michael.Copps@fcc.gov](mailto:Michael.Copps@fcc.gov)

Commissioner Jonathan S. Adelstein  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8-C302  
Washington, D.C. 20554  
[Jonathan.Adelstein@fcc.gov](mailto:Jonathan.Adelstein@fcc.gov)

Best Copy and Printing, Inc.  
445 12th Street, SW  
Room CY-B402  
Washington, D.C. 20554  
[fcc@bcpiweb.com](mailto:fcc@bcpiweb.com)